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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,574	12/03/2003	Gudmundur Fertram Sigurjonsson	SIGU3011/JJC	5131
23364 7590 05/24/2007 BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314			EXAMINER HAND, MELANIE JO	
			ART UNIT 3761	PAPER NUMBER
			MAIL DATE 05/24/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/725,574

Applicant(s)

SIGURJONSSON ET AL.

Examiner

Melanie J. Hand

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12, 14-20, 22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12, 14-20, 22 and 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Allowable Subject Matter*

The indicated allowability of claims 12, 14-20, 22 and 23 is withdrawn in view of the newly discovered reference(s) to Abuelyaman et al and Bogart. Rejections based on the newly cited reference(s) follow.

### *Claim Objections*

Claim 19 is objected to because of the following informalities: the phrase "the first facing layer of the backing layer" lacks proper antecedent basis in claim 12 from which it depends. For examination purposes, the first facing layer is interpreted in the rejection of claim 19 according to the relevant limitations in claim 12. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 22 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Abuelyaman et al (U.S. Patent No. 7,005,143).

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With respect to **claim 22**: Abuelyaman teaches a wound dressing 10 having opposed bodyside and backside surfaces, comprising: an absorbent core 12 defining opposed proximal and distal surfaces 14,16, respectively; a liquid impervious, vapor permeable backing layer 18 defining opposed proximal and distal surfaces, the proximal surface of the backing layer 18 extending over the distal surface 16 of the absorbent core, and defining a border portion 22 extending beyond and surrounding peripheral edges of the absorbent core 12, the distal surface of the backing layer defining the backside surface of the wound dressing 10; and a continuous skin adherent facing layer 26 composed of a skin adherent hydrophobic gel and directly secured to both the proximal surface 14 of the absorbent core and the border portion 22 of the backing layer, the facing layer 26 defining a pattern of through extending apertures only along the portion thereof bounded by the peripheral edges of the absorbent core 12, the facing layer 26 defining the bodyside surface of the wound dressing 10. (Fig. 1, Col. 19, lines 16-28, 53-67, Col. 20, lines 1-9)

With respect to **claim 23**: Abuelyaman teaches a wound dressing 10 having opposed bodyside and backside surfaces, comprising: an absorbent core 12 defining opposed proximal and distal surfaces 14,16, respectively; a liquid impervious, vapor permeable backing layer 18 defining opposed proximal and distal surfaces, the proximal surface of the backing layer 18 extending over the distal surface of the absorbent core 12, and defining a border portion 22 extending beyond and surrounding peripheral edges of the absorbent core 12, the distal surface of the backing layer 18 defining the backside surface of the wound dressing 10; and a continuous skin adherent facing layer 26 directly secured to both the proximal surface of the absorbent core 14 and the proximal surface of the border portion 22 of the backing layer 18, the facing layer defining a pattern of through extending apertures only along an apertured portion thereof

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adjacent to the distal surface 16 of the absorbent core and bounded by the peripheral edges of the absorbent core 18, the portion of the facing layer 26 corresponding to the border portion 22 of the backing layer having a generally smooth surface, the facing layer 26 defining the entirety of the bodyside of the wound dressing 10. (Fig. 1, Col. 19, lines 16-28, 53-67, Col. 20, lines 1-9)

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 12 and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abuelyaman et al ('143).

With respect to **claim 12**: Abuelyaman teaches a wound dressing 10 having opposed backside and bodyside surfaces, comprising: an absorbent core 12 defining opposed proximal and distal surfaces 14,16 respectively, the distal surface including a central portion and a border portion; a liquid impervious, vapor permeable backing layer 18 defining opposed proximal and distal surfaces, the proximal surface of the backing layer 18 extending over the distal surface of the absorbent core 16, and defining a border portion 22 extending beyond and surrounding peripheral edges of the absorbent core 12, the distal surface of the backing layer 18 defining the backside surface of the wound dressing 10; a first skin adherent facing layer 26 secured only to the proximal surface of the border portion 22 of the backing layer 18, the first facing layer 26 defining a portion of the bodyside surface of the wound dressing 10 and surrounding the peripheral edges of the absorbent core 12; and a second perforated, facing layer 20 directly secured to and coextensive with the proximal surface 14 of absorbent core 12, the second facing layer 20 defining a portion of the bodyside surface of the wound dressing, a periphery of the second facing layer 20 being contiguous with a periphery of the first facing layer 26.

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Abuelyaman does not explicitly teach that the second layer 20 is skin-adherent, however Abuelyaman teaches that the facing layer 20 may form a periphery to which an adhesive layer may be attached, therefore Abuelyaman teaches that the second facing layer may have adhesive attached thereto, rendering said layer 20 skin-adherent, therefore it would be obvious to one of ordinary skill in the art to modify the article of Abuelyaman so as to add adhesive to second facing layer 20 to render said second facing layer skin adherent with a reasonable expectation of success. (Fig. 1, Col. 17, lines 61-66, Col. 19, lines 16-28, 53-67, Col. 20, lines 1-9)

With respect to **claim 14**: The border portion 22 of the backing layer 18 is substantially parallel with the distal surface 16 of the absorbent core 12. (Fig. 1)

With respect to **claim 15**: The border portion 22 of the backing layer 18 includes at least two opposed elongate sections, each opposed elongate section extending from a corresponding side of the absorbent core 12. (Col. 19, lines 57-60)

With respect to **claim 16**: Abuelyaman teaches by reference to RE 24,906 to Ulrich that the first facing layer 26 is a pressure sensitive adhesive. (Col. 18, lines 51-57, '906, Col. 1, lines 18-20)

With respect to **claim 17**: The first facing layer 26 extends along the entire proximal surface of the backing layer 18. (Fig. 1)

With respect to **claim 18**: The first facing layer 26 is sufficiently porous so as not to occlude moisture transmission through the backing layer 18. (Col. 19, lines 20-28)

With respect to **claim 19**: The first facing layer 26 has greater skin adherence properties than the second facing layer 20, as Abuelyaman teaches that the adhesive of layer 26 is a pressure-sensitive adhesive typically used to adhere substrates to skin, while the adhesive present on layer 20 is an adhesive other than a pressure-sensitive adhesive. (Col. 18, lines 36-57)

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abuelyaman in view of Bogart (U.S. Patent No. 5,512,041).

With respect to **claim 20**: Abuelayaman does not teach that the peripheral edges of the absorbent core 12 have a bevel extending downwardly and inwardly towards a central axis thereof from the distal surface to the proximal surface thereof. Bogart teaches a wound dressing having an absorbent core with a bevel extending downwardly and inwardly towards a central axis thereof from the distal surface to the proximal surface thereof. Since the articles of Abuelyaman and Bogart seek to solve a similar problem in the art (i.e. provide a wound dressing for absorbing wound exudates, it would be obvious to one of ordinary skill in the art to modify the article of Abuelyaman such that the absorbent core has a bevel as taught by Bogart with a reasonable expectation of success.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie J. Hand whose telephone number is 571-272-6464. The examiner can normally be reached on Mon-Thurs 8:00-5:30, alternate Fridays 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Melanie J Hand  
Examiner  
Art Unit 3761

May 17, 2007

**TATYANA ZALUKAEVA**  
SUPERVISORY/DEPUTY EXAMINER

